

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

Therma-Flite Mfg., LLC
DEBTOR

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CASE NO.

16-33470-H1-11

**MOTION TO RECONSIDER AND VACATE ORDER OF SUBSTANTIVE
CONSOLIDATION (DOCKET #83)**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COMES NOW Eva Engelhart, Trustee (the “Movant”) and files this *Motion To Reconsider And Vacate Order Of Substantive Consolidation* (Docket #83) and would respectfully show the Court as follows:

1. On October 21, 2016, CFC, Inc., a creditor, filed a Motion For Substantive Consolidation (Docket #75).
2. On November 14, 2016, the Movant filed a response opposing the relief requested by CFC, Inc. (Docket #77)
3. On December 5, 2016, without conducting a hearing, the Court signed an order granting the *Motion For Substantive Consolidation* (the “Order”). (Docket #83)

4. Due to a docketing error, the Order did not appear on the docket of this case until January 6, 2017, well after the time periods for appeal or other post-judgment relief.

5. Movant requests the Court to reconsider the Order, vacate it, and set a hearing to consider the merits and opposition to the Motion.

WHEREFORE, Movant request the Court to reconsider the Order, vacate it and deny the Motion For Substantive Consolidation, and to grant her such other and further relief, at law or in equity, to which she may be justly entitled.

DATED: January 20, 2017.

Respectfully submitted,

By: /s/Johnie Patterson

Johnie Patterson
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SPECIAL COUNSEL
FOR THE CHAPTER 7 TRUSTEE

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CERTIFICATE OF SERVICE

I, Johnie Patterson, hereby certify that a true and correct copy of the foregoing *Motion* was served upon Jonathan Howell, and all other parties-in-interest that receive notice pursuant to the Court's CM/ECF system, by electronic transmission on January 20, 2017.

/s/Johnie Patterson
Johnie Patterson